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REMARKS

Claims 10-21 were rejected in an Office Action mailed January 25, 2005. Claims 10 and 19 have been amended, claims 20-21 have been cancelled, and new claim 22 has been added to address issues raised in the Office Action with respect to clarifying further inventive aspects of the present invention. Applicants respectfully request reconsideration of the present application in view of the following remarks.

I. Election/Restriction

Claims 20 and 21 were identified as directed to an invention that is independent or distinct from the invention originally claimed, and these claims were withdrawn from consideration as being directed to a non-elected invention. Claims 20 and 21 have been cancelled; however, applicants reserve the right to pursue these claims at a later time in a continuation application.

II. Rejection Under 35 U.S.C. §112

Claims 10-12 and 15-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Further, claim 19 was rejected as indefinite for the use of the phrase "adapted for." Applicants respectfully traverse these rejections.

Claim 10 has been amended to recite the additional feature of a coating on a first side. Support for this amendment may be found in the Detailed Description at, among other locations, page 11, lines 10-14. Applicants submit that this claim contains sufficient definition to particularly point out and distinctly claim the subject matter of the invention. Accordingly, applicants submit that claims 10-12 and 15-17 contain sufficient definition to particularly point out and distinctly claim the subject matter of the invention, and that this rejection should be withdrawn.

With respect to claim 19, this claim has been amended to remove the wording identified as objectionable in the Office Action.

Accordingly, applicants submit that the claims are clear and distinctly claim unique features which would be apparent to an artisan of skill in the art. Accordingly, applicants submit that this rejection should be withdrawn.

II. Rejections Under 35 U.S.C. §102/103

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Claims 10, 11 and 15-17 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over JP 06-047363, in the name of Chikamori. Further, claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Chikamori. Moreover, claim 12 was rejected under 35 U.S.C. §103 (a) as being unpatentable over the cited Chikamori patent. Applicants respectfully traverse these rejections.

It was stated in the Office Action that applicants' arguments concerning the structure and function of the Chikamori device was unpersuasive because applicants did not point out how the structure of Chikamori was different and because the alleged difference in function was merely argumentative of intended use.

Chikamori is directed to a device for covering landfill material which prevents, or insulates, the landfill material from anaerobic decomposition which causes odor and contaminates groundwater. Chikamori's construction is a water barrier sheet (4) with patches, or windows (1,2,3), of air permeable material. This construction is described as beneficial for layering additional waste material thereon.

With respect to claims 10, 11 and 15-17, applicants submit that Chikamori does not disclose or suggest the presently claimed combination of features. Further, with respect to claim 12, applicants submit that Chikamori does not disclose or suggest the presently claimed combination of features.

Finally, with respect to claim 19, applicants respectfully submit that Chikamori does not disclose or suggest a cover for the aerobic treatment of biodegradable material which consists essentially of the laminate, as claimed. Specifically, it would not be obvious based on the teachings of Chikamori, directed to placing patches of air permeable material within a water barrier sheet for preventing anaerobic decomposition and allowing further layers of undecomposed waste material to be accumulated thereon, to construct applicant's claimed cover consisting essentially of the laminate with the described features. Accordingly, applicants submit that this rejection should be withdrawn.

Further, applicants submit that new claim 22, directed to a system for aerobic treatment of biodegradable waste, addresses the points raised in the Office Action regarding intended use. Support for claim 22 can be found throughout the patent application, and particularly in the Detailed Description of the Invention.

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III. Conclusion

For the foregoing reasons, the present invention as defined by claims 10-12, 15-17 and 22 sufficiently identifies the novel features of applicants' invention and is neither taught nor suggested by the cited reference. Accordingly, applicants believe that the claims are in form for allowance.

If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative to schedule an interview prior to issuing a further Office Action.

Respectfully submitted,

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